

REMARKS

In the Office Action dated July 18, 2005, claims 2-4, 8, 40, 41, and 46 were rejected under 35 U.S.C. § 102 over U.S. Patent Application Publication No. 2002/0048268 (Menon); claims 5, 6, 19, 20, 42, 43, 45, 47, and 49-51 were rejected under § 103 over Menon in view of U.S. Patent No. 6,512,756 (Mustajarvi); claims 9 and 10 were rejected under § 103 over Menon in view of U.S. Patent No. 6,763,007 (La Porta); and claims 21 and 44 were rejected under § 103 over Menon in view of Mustajarvi and U.S. Patent No. 6,320,873 (Nevo).

Claims 4-6, 45, and 47 have been cancelled without prejudice.

Independent claim 2 has been amended to recite a serving GPRS support node (SGSN) that has an interface to communicate with a base station system in a cell site over a Gb network, and a controller to transmit and receive data through the interface over the Gb network with the base station system according to a connectionless, packet-based protocol.

As conceded by the Office Action (with respect to the rejection of former dependent claim 5, now cancelled), Menon does not disclose a Gb network. 7/18/2005 Office Action at 4. However, the Office Action cited Mustajarvi as disclosing such a Gb network. *Id.* at 5.

It is respectfully submitted that a *prima facie* case of obviousness cannot be established with respect to claim 2 for at least the reason that no motivation or suggestion existed to combine the teachings of Menon and Mustajarvi to achieve the claimed invention. Menon describes two general embodiments, depicted in Figs. 1 and 5. In Fig. 1, a CPRU (customer premise radio unit) 25 communicates with a base station 30 over an air interface. In turn, the base station 30 communicates with a WARP (Wireless Adjunct InteRnet Platform) 32, which is connected to an access router 35. In Fig. 5 of Menon, a CPRU is linked to the base station 101 over an air interface, and the base station 101 is linked to an access router. Although Menon does refer to GPRS, it is noted that Menon clearly does not contemplate the use of a Gb network. Instead, Menon teaches that GPRS can be used between the CPRU and a base station (*see, e.g.*, ¶¶ [0075], [0210], [0251], [0257], [0267], [0362], and [0392]). Menon clearly does not disclose or even remotely

suggest that the interface between the WARP and access router (Fig. 1) or the base station and access router (Fig. 5) employs a GPRS-based network, such as the Gb network.

The teachings of Menon would actually have led a person of ordinary skill in the art to use a network different from a GPRS-based network, such as the Gb network, between the WARP and access router or between the base station and access router. Specifically, the network between a WARP and access router or between a base station and access router in Menon is not a GPRS-based network, a point recognized by the Office Action. In ¶ [0081], cited by the Office Action, Menon teaches that bearer voice messages are transmitted between a CPRU and a WARP using GSM/GPRS protocols. Significantly, this paragraph of Menon also states that the WARP “interworks the GSM/GPRS bearer voice messages to VoIP (voice IP) based messages for transmission toward the network, *i.e.*, towards switched circuit network 50.” There is no indication whatsoever that the link between the WARP and the access router or the link between the base station and the access router is a GPRS-based interface. In fact, Fig. 21 of Menon shows the protocol layers between the WARP and an SMP – there are no layers for a Gb interface in Fig. 21. Also, Fig. 24 of Menon shows the interface between a base station and an access router – again, there are no layers that correspond to a Gb interface. Fig. 25 shows the interface between a WARP and access router; similarly, there are no layers corresponding to a Gb interface in Fig. 25. Thus, it is clear that Menon would have suggested a different type of interface (that is, a non-GPRS based interface) between the access router and the WARP or base station.

Although Mustajarvi teaches use of a Gb interface between a base station and SGSN, Fig. 2 of Mustajarvi clearly depicts that the Gb interface is a Frame Relay interface, which is a connection-oriented interface, not a connectionless interface. Fig. 2 of Mustajarvi provides an example of a conventional Gb interface used widely in the wireless industry prior to Applicant’s invention. Thus, a person of ordinary skill in the art looking to the teachings of Menon and Mustajarvi would have been taught one of two things: (1) an IP interface over a *non*-Gb network can be provided between a base station or WARP and an access router; or (2) a *Frame Relay Gb* network can be used between a

base station and an SGSN. This person of ordinary skill in the art would not have been motivated to modify the teachings of either Menon or Mustajarvi to achieve a Gb network that is according to a connectionless, packet-based protocol. Therefore, in view of the foregoing, it is respectfully submitted that there existed no motivation or suggestion to combine Menon and Mustajarvi in the manner proposed by the Office Action, and that therefore a *prima facie* case of obviousness cannot be established with respect to claim 2.

Independent claims 42, 46, 50, and 51 are similarly allowable over the asserted combination of Menon and Mustajarvi.

Independent claim 19 is also allowable over the asserted combination of Menon and Mustajarvi because the cited references do not disclose an SGSN that has an interface having a packet-switched element to manage communication over a network between the SGSN and at least a base station system, where the packet-switched element comprises an IP element. Although Mustajarvi teaches the use an SGSN, it clearly contemplates that the network between the SGSN and the base station system is a *Frame Relay* (connection-oriented) network. While Menon states that the wireless interface between the CPRU and base station can be according to the GPRS protocol, Menon clearly contemplates that the access router used is *not* an SGSN. Therefore, there existed no motivation or suggestion to combine the teachings of Menon and Mustajarvi and thus, a *prima facie* case of obviousness has not been established with respect to claim 19.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the amendment of claim 2, it is respectfully submitted that the obviousness rejection of claims 9 and 10 over Menon and La Porta has been overcome. Also, in view of the allowability of base claims over the asserted combination of Menon and Mustajarvi, it is respectfully submitted that the obviousness rejection of claims 21 and 44 over Menon, Mustajarvi, and Nevo has been overcome.

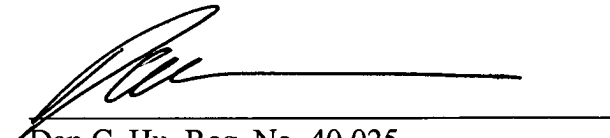
U.S. Appln. Serial No. 09/609,913
Amendment Dated October 18, 2005
Reply to Office Action Mailed July 18, 2005

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0027US).

Respectfully submitted,

Date:

10-18-2005



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